

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ANDREA MARTINEZ,)
)
)
Plaintiff,) Case No. 19-06135-CV-W-FJG
)
)
v.)
)
UNITED STATES OF AMERICA, ET AL.,)
)
)
Defendants.)

ORDER

Currently pending before the court is a Stipulation of Dismissal (Doc. # 93) and Ronnett Sasse's Motion for Entry of Order Pursuant to the Eighth Circuit Opinion (Doc. # 98).

On June 16, 2022, the Eighth Circuit issued an opinion finding that defendant Sasse is entitled to qualified immunity. The Eighth Circuit directed that the Fourth Amendment claims against Sasse be dismissed. On June 29, 2022, plaintiff filed a Stipulation of Dismissal. In the Stipulation plaintiff states that pursuant to Fed. R.Civ.P. 41(a)(1)(A)(ii), she is dismissing the excessive force claim against defendant Chase in his individual capacity (Count I) and the unreasonable search and seizure claim against Chase in his individual capacity (Count II). The parties have also stipulated that pursuant to the Eighth Circuit opinion, all claims against defendant Sasse in her individual capacity are hereby dismissed. The dismissal of the claims against Sasse and Chase in their individual capacities are without prejudice to any claims against the United States of America (Counts III, IV and V) will remain pending. The parties also stipulate and agree that any conduct of defendants Sasse and Chase alleged in the

Complaint was in the course and scope of their employment by the United States Immigration and Customs Enforcement agency.

Accordingly, for the reasons stated above, the claims in Counts I and II against defendants Chase and Sasse in their individual capacities are hereby **DISMISSED WITH PREJUDICE**. The dismissal of the claims against Sasse and Chase in their individual capacities is **WITHOUT PREJUDICE** to any claims against the United States of America (Counts III, IV, and V), which remain pending with this Court.

The parties are directed to confer regarding revised dates for an Amended Scheduling and Trial Order. The parties shall submit a proposed amended Scheduling and Trial Order to the Court on or before **September 15, 2022**.

Date: August 31, 2022
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge